

**Notice of Allowability**

Application No.

09/998,419

Examiner

Jude J. Jean-Gilles

Applicant(s)

BARROW, MATTHEW K.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/24/2006.
2. ☒ The allowed claim(s) is/are 1,2,4-11 and 13-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 11/29/2001
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 06/27/06
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**DAVID WILEY**  
SUPERVISORY PATENT EXAMINER

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with ALBERT C. METRAILER, Reg. No. 27,145 on 28 June 2006. The proposed amendment to the claims as suggested by the examiner, and emailed by ALBERT C. METRAILER to the Examiner on 29 June 2006 is presented below.

### **IN THE CLAIMS**

2. ***In this proposed amendment, the step of claim 3 has been added to claim 1 and claim 3 is cancelled. Claim 4 is amended to depend from claim 1 instead of claim 3. Claims 2 and 5-9 do not need to be amended. The two steps of claim 12 have been added to claim 10 and claim 12 is cancelled. Claim 13 is amended to depend from claim 10 instead of claim 12. Claims 11 and 14-18 do not need to be amended.***

### **PROPOSED EXAMINER'S AMENDMENTS TO THE CLAIMS:**

1. (Proposed amendment) A method for initializing a customer premises telecommunications hub having a link to a central office comprising:  
obtaining a configuration file name and a domain name of a TFTP file server from a DHCP server in a central office,

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obtaining a configuration file, including a first control software file name, from the TFTP file server, and

creating a second control software file name by combining a model ID identifying the model of the hub with at least part of the first control software file name, and

obtaining a control software file having the second control software file name from the TFTP file server.

2. (Previously Presented) A method according to Claim 1, wherein:

said first control software file name includes a prefix identifying a model number, and said step of creating a second control software file name comprises replacing the prefix of said first control software file name with a prefix comprising the model number of said hub.

3. (proposed cancelled) ~~A method according to Claim 1, further comprising:~~

~~obtaining a control software file having the second control software file name from the TFTP file server.~~

4. (proposed amendment) A method according to claim ~~3~~1, further comprising:

comparing the name of said control software file to said second control software file name.

5. (Previously Presented) A method according to claim 4, further comprising:

loading said control software file into a first flash memory partition in said hub and designating said first partition as the active partition.

6. (Previously Presented) A method according to Claim 5 further comprising:  
rebooting said hub with said control software file in said first flash memory partition.

7. (Previously Presented) A method according to Claim 6 wherein:  
said control software file is stored in compressed form in said first flash memory partition, and on rebooting, said file is expanded and loaded into RAM for operating said hub.

8. (Previously Presented) A method according to Claim 1, further comprising:  
checking said first control software file name for the presence of a suffix identifying it as a binary file name, and, if such suffix is not present, adding a suffix identifying said first control software file name as a binary file name.

9. (Original) A method according to Claim 1, further comprising:  
obtaining an IP address of a domain name server from said DHCP server in said central office, and  
obtaining an IP address of said TFTP server from said domain name server.

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10. (proposed amendment) A method for providing control software code to a customer premises telecommunications hub having a link to a central office comprising:

- upon rebooting of the hub, sending a DHCP request to a central office DHCP server;
- sending a configuration file name and a domain name of a TFTP server from the central office DHCP server to the hub;
- sending a request for the configuration file from the hub to the TFTP server,
- sending the configuration file, including a first control software file name, from the TFTP server to the hub, and
- creating a second control software file name by combining a model ID identifying the model of the hub with at least part of the first control software file name,
- sending a request for the control software file having said second control software file name from the hub to a configuration file server, and
- sending the control software file having said second control software file name from the configuration file server to the hub.

11. (Previously Presented) The method of Claim 10 wherein:

said first control software file name includes a prefix identifying a model number, and said step of creating a second control software file name comprises replacing the prefix of said first control software file name with a prefix comprising the model number of said hub.

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12. (proposed cancelled) ~~The method of Claim 10, further comprising:~~  
~~— sending a request for the control software file having said second control~~  
~~software file name from the hub to a configuration file server, and~~  
~~— sending the control software file having said second control software file name~~  
~~from the configuration file server to the hub.~~
13. (proposed amendment) The method of Claim ~~12~~ 10 further comprising:  
comparing the name of said control software file to said second control software  
file name.
14. (Previously Presented) The method according to claim 13, further comprising:  
loading said control software file into a first flash memory partition in said hub  
and designating said first partition as the active partition.
15. (Previously Presented) The method according to claim 14, further comprising:  
rebooting said hub with said control software file in said first flash memory  
partition.
16. (Previously Presented) The method according to Claim 15 wherein:  
said control software file is stored in compressed form in said first flash memory  
partition, and on rebooting, said file is expanded and loaded into RAM for operating said  
hub.

17. (Previously Presented) The method according to Claim 16, further comprising:

checking said first control software file name for the presence of a suffix identifying it as a binary file name, and, if such suffix is not present, adding a suffix identifying said first control software file name as a binary file name.

18. (Previously Presented) The method according to Claim 10, further comprising:  
obtaining an IP address of a domain name server from said DHCP server in said central office, and

obtaining an IP address of said TFTP server from said domain name server.

### ***Reasons for Allowance***

3. The following is an examiner's statement of reasons for allowance:

The closest prior art of record (Beser, U.S. Patent No. 6,049,826) does not teach nor suggest in detail a method for initializing a customer premises telecommunications hub having a link to a central office comprising:

obtaining a configuration file name and a domain name of a TFTP file server from a DHCP server in a central office,

obtaining a configuration file, including a first control software file name, from the TFTP file server,

creating a second control software file name by combining a model ID identifying the model of the hub with at least part of the first control software file nam2, and  
obtaining a control software file having the second control software file name from TFTP file server.

3. The dependent claims further limit the independent claims and are considered allowable on the same basis as the independent claims as well as for the further limitations set forth.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled **"Comments on Statement of Reasons for Allowance."**

4. **Claims 1,2, 4-11, and 13-18 are allowed.** Renumbered 1-16.



**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached between the hours of 9:00 AM to 6:00 PM daily.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jude Jean-Gilles

Patent Examiner

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June 29, 2006

  
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